DOCUMENT RESUME

ED 330 927 CG 023 269

AUTHOR Moriarty, Dick; And Others
TITLE Legislation and Litigation Resulting from the Canadian Commission of Inquiry into the Use of Drugs and Banned Practices Intended To Increase Athletic Performance.
PUB DATE Mar 91
NOTE 45p.
PUB TYPE Reports - General (140)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *Athletics; *Drug Abuse; Drug Use Testing; Foreign Countries; Performance Factors
IDENTIFIERS Canada; *Dubin Inquiry (Canada); *Steroids

ABSTRACT

This paper presents the results from the Dubin Inquiry Report (1990) into drug abuse for athletic purposes. The inquiry involved testimonies from 48 steroid users, and from coaches, sport administrators, medical doctors, sport scientists, and International Olympic Committee representatives. Recommendations from the Dubin Report include: (1) increased and improved drug testing at the national and international levels; (2) third-party testing by the Sports Medicine Council of Canada; (3) stricter sanctions, including suspension for at least the next world championship, after a violation; (4) legal sanctions for steroid distribution and use; (5) clearer demarcation on rights and responsibilities of Sport Canada and the sports governing bodies, with the former responsible for financing carded athletes and national teams, and the latter responsible for the selection and eligibility of such teams; (6) change in emphasis by the sporting community, the media, and the public at large from winning medals to personal excellence; (7) establishment of an independent arbitrator to deal with appeals; and (8) ethics and morality modules in the National Coaching Certification Program. (LLL)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED330927

CG023269

LEGISLATION AND LITIGATION RESULTING FROM THE CANADIAN COMMISSION OF INQUIRY INTO THE USE OF DRUGS AND BANNED PRACTICES INTENDED TO INCREASE ATHLETIC PERFORMANCE

by Dick Moriarty, Dennis Fairall and P.J. Galasso
University of Windsor SIR/CAR

This presentation is a followup to last year's presentation on "The Dubin Inquiry and Beyond: Legislation and Litigation to Control Amateur Sport Drugs and Dollars!" While last year's presentation was speculative and predicted what the results of the Dubin Commission would be, this year's presentation is a post hoc presentation as a result of the Dubin Inquiry Report. Three documents or sources have been utilized in preparing this presentation:

1. The 638-page report by the Hon. Charles L. Dubin entitled, The Canadian Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance;
2. A 50-page report of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, submitted by Chairpersons Bob Porter and John Coles to Parliament under the title, "Amateur Sport: Future Challenges"; and
3. Public and media documents (print and electronic) combined with personal interviews with Charlie Francis, Molly Killingbeck and other principal participants involved in the Dubin Commission hearings.

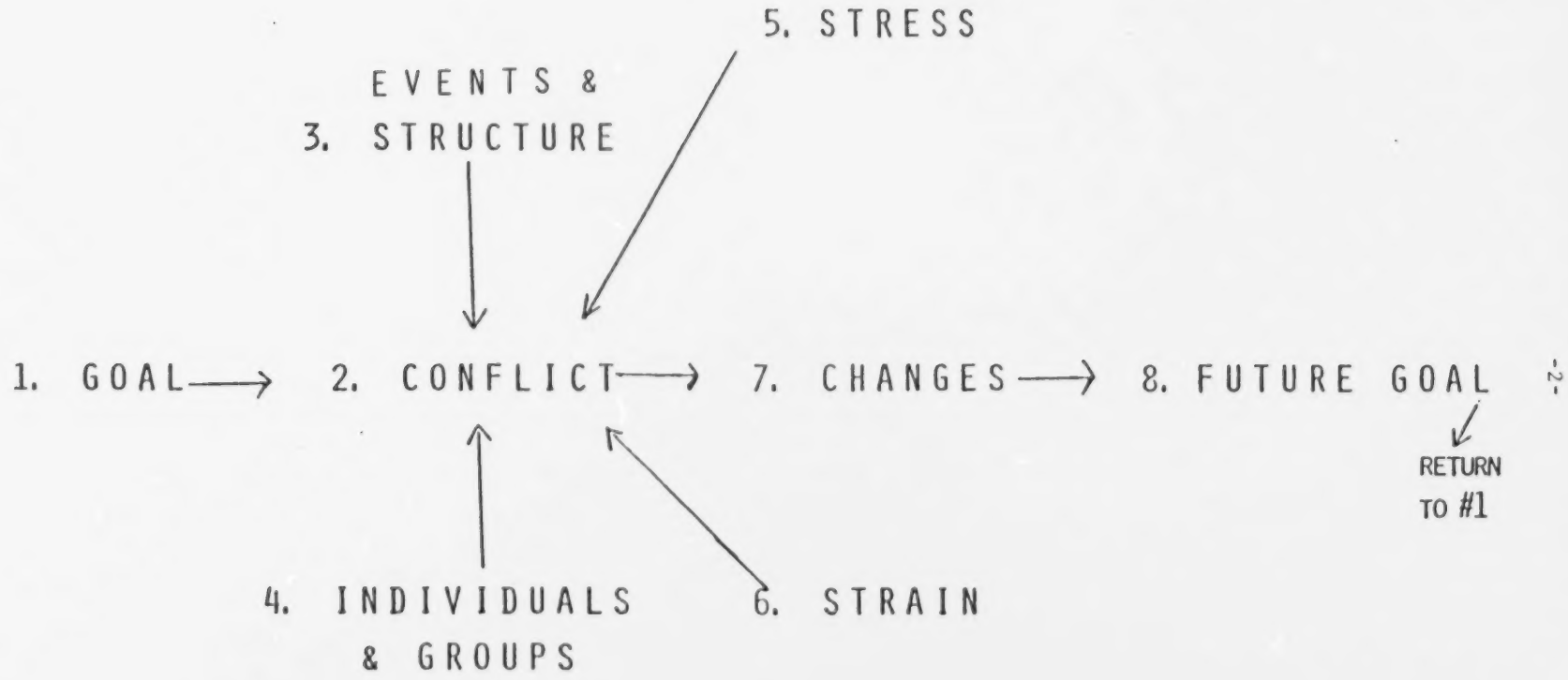
To provide some structure to this wealth of information, the Sport Institute for Research (SIR)'s model of conflict analysis will be utilized. This model which follows assists - indeed, forces -

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
This document has been reproduced as received from the person or organization originating it.
Minor changes have been made to improve reproduction quality.
Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

BEST COPY AVAILABLE

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
Dick Moriarty
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

SIR MODEL



* SIR/CAR REGISTERED TRADEMARK
CYCLIC MODEL

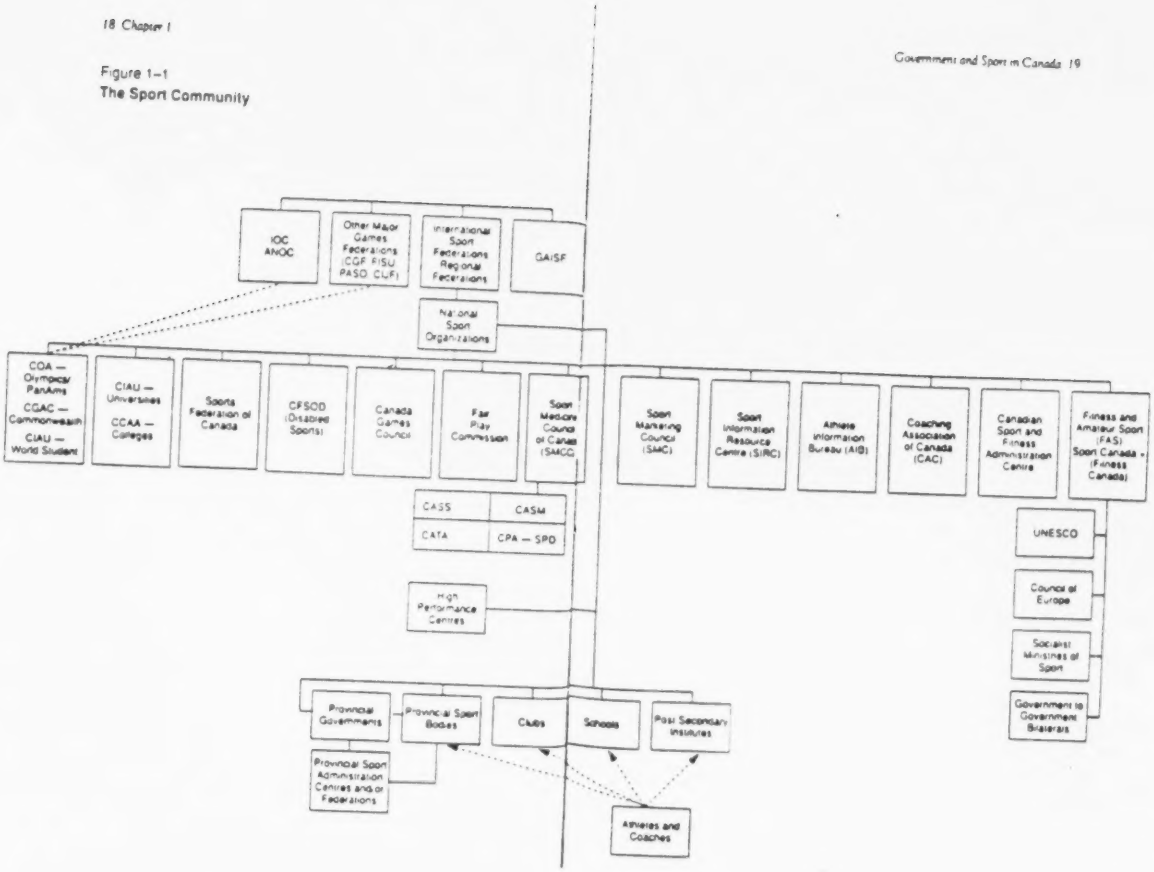
researchers and administrators to focus attention on: (1) the ultimate goal or mission, (2) conflict behaviour or obstacles which prevent achievement of this goal, (3) significant events such as the task, structure and control, (4) individuals and groups in terms of their traits, situation and behaviour, (5) social stress such as media pressures, (6) constituent strain, or interorganizational pressure with an eye to (7) management techniques to bring about change.

Ultimate Goal

The events surrounding use of anabolic steroids by Ben Johnson and his teammates is, in the opinion of many, a predictable result from the shift in goal in Sport Canada from its original mandate in 1967 which was directed to mass participation, academic development through a national advisory committee and support for sport governing bodies in a decentralized volunteer system to its 1988 goal which was to win medals through national sport organizations. The emphasis was on Top Ten performances which were to be achieved by high performance sport programs in a centralized bureaucracy. The stated goal in Minister of Fitness and Amateur Sport Jean Charest's 1989 policy statement, Towards the Year 2000 was to elevate Canada to one of the top three positions in the world in the area of sport. Figures 1-1 through 1-3 taken from the Dubin Report show the extent of the athletic empire which the Minister had available in pursuit of this goal. Figure 1-1, The Sport Community, shows the relationships that exist, ranging all the way from the International Olympic Committee and other major world game organizers at the top level down to the athletes and coaches

	MASS PARTICIPATION
1967	ACADEMIC DEVELOPMENT (N A C)
	SUPPORT FOR SGB
GOAL (MISSION)	DECENTRALIZED VOLUNTEER SYSTEM
1988	WIN MEDALS VIA NSO
	TOP 10 PERFORMANCES
	"HIGH PERFORMANCE SPORT" CENTRALIZED BUREAUCRACY

Figure 1–1
The Sport Community



BEST COPY AVAILABLE

who are at the sixth level. In between we have the national sport organizations (NSOs), the pivotal agency in each category of sport in Canada. There are sixty-five NSOs which are incorporated non-profit agencies recognized by the federal government and eligible for federal financing through the Fitness and Amateur Sport Directorate. The NSOs generally are made up of provincial sport organizations (PSOs) and various regional and local clubs. Their mandate is therefore tripartite: (1) at the national level it is derived from its members, (2) another mandate is given by the relevant international sport federation; and finally (3) NSOs must promote, encourage and develop their sports in Canada. At the middle of this massive, bureaucratic empire is a variety of administrative units such as the Canadian Olympic Association and other multi-sport agencies - university athletics, disabled sports, Canada Games, Sports Medicine Council of Canada, Coaching Association of Canada, Canadian Sport and Fitness Administrative Centre, and units for sports marketing, information and the most recent addition, the Fair Play Commission. Charlie Francis (1990) in an interview pointed out that there are more administrators involved at the National Centre for Sport and Recreation than there were actual athletes involved in the financial support carding program.

Figure 1.2, Fitness and Amateur Sport, shows the relationships that exist between the Minister of State, Fitness and Amateur Sport, with his Deputy Minister and Health and Welfare Canada, and Assistant Deputy Minister, who in turn are responsible for Directors of Sport Canada, Fitness Canada, Finance and Administration, Promotion and Communication and International Relations: Sport and Fitness. Figure 1.3,

Figure 1–2
Fitness and Amateur Sport

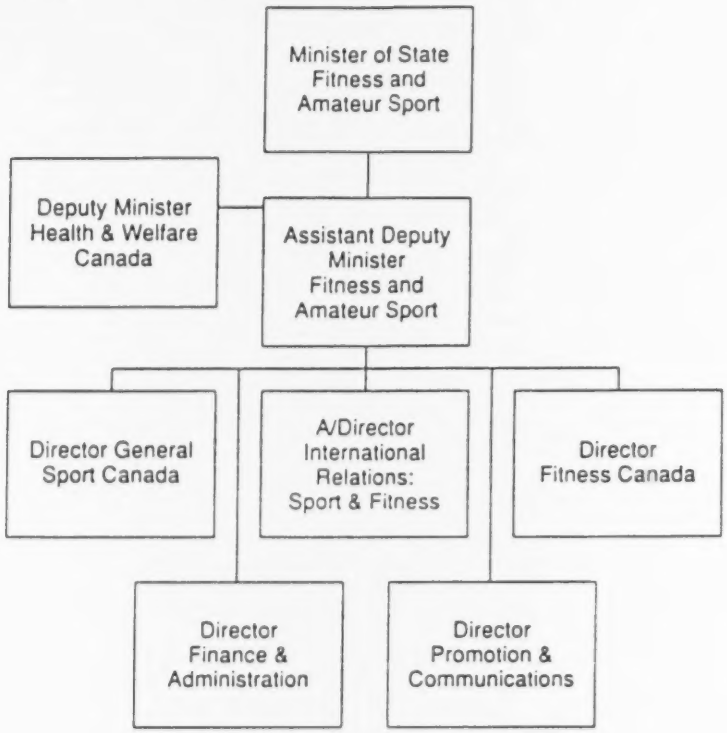
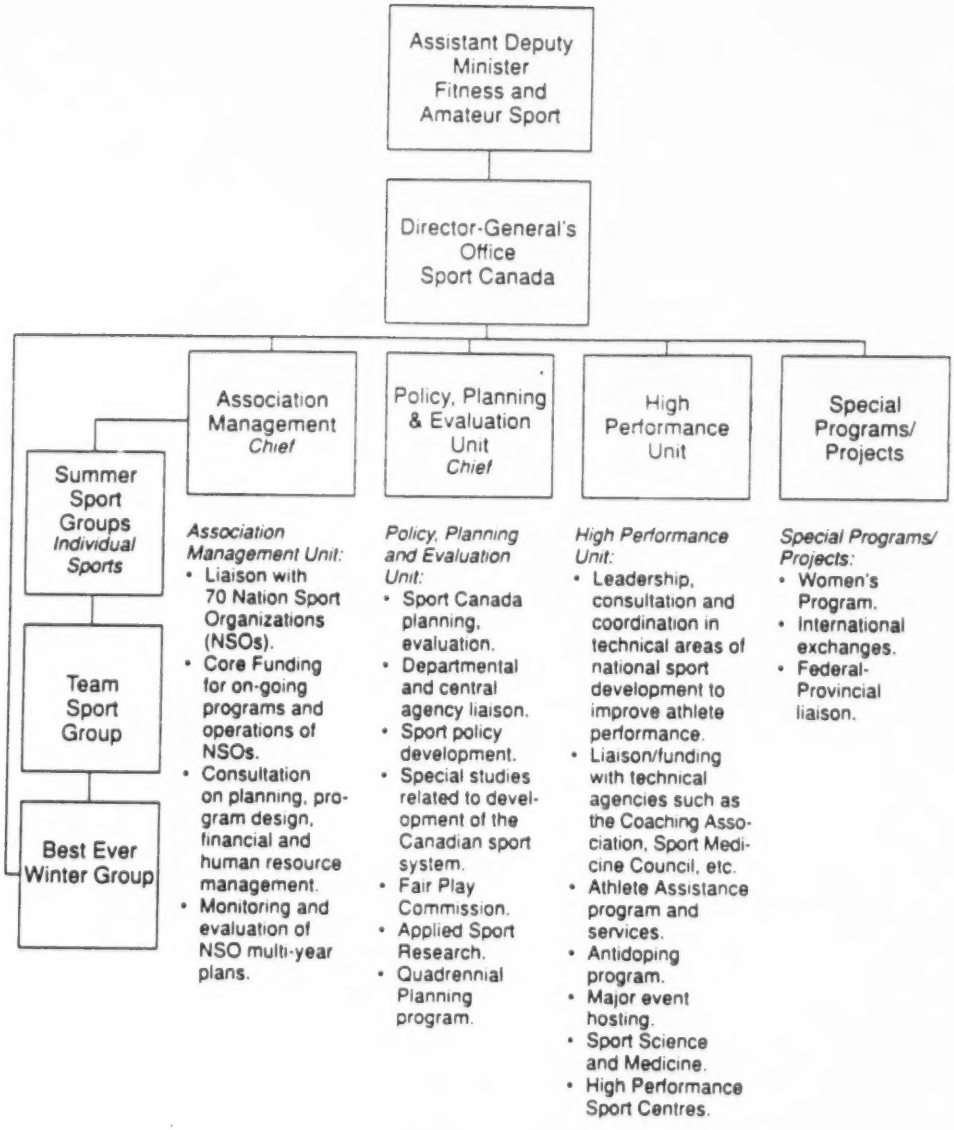

Minister of State Fitness and Amateur Sport
Deputy Minister Health & Welfare Canada
Assistant Deputy Minister Fitness and Amateur Sport
Director General Sport Canada
A/Director International Relations: Sport & Fitness
Director Fitness Canada
Director Finance & Administration
Director Promotion & Communications

Figure 1–3
Sport Canada


Assistant Deputy Minister Fitness and Amateur Sport
Director-General's Office Sport Canada
Association Management Chief
Policy, Planning & Evaluation Unit Chief
High Performance Unit
Special Programs/ Projects
Summer Sport Groups Individual Sports
Team Sport Group
Best Ever Winter Group
Association Management Unit:
• Liaison with 70 Nation Sport Organizations (NSOs).
• Core Funding for on-going programs and operations of NSOs.
• Consultation on planning, program design, financial and human resource management.
• Monitoring and evaluation of NSO multi-year plans.
Policy, Planning and Evaluation Unit:
• Sport Canada planning, evaluation.
• Departmental and central agency liaison.
• Sport policy development.
• Special studies related to development of the Canadian sport system.
• Fair Play Commission.
• Applied Sport Research.
• Quadrennial Planning program.
High Performance Unit:
• Leadership, consultation and coordination in technical areas of national sport development to improve athlete performance.
• Liaison/funding with technical agencies such as the Coaching Association, Sport Medicine Council, etc.
• Athlete Assistance program and services.
• Antidoping program.
• Major event hosting.
• Sport Science and Medicine.
• High Performance Sport Centres.
Special Programs/ Projects:
• Women's Program.
• International exchanges.
• Federal-Provincial liaison.

Sport Canada, provides a more detailed breakdown of the responsibilities of Associate Management Chief, Policy Planning and Evaluation Unit Chief, High Performance Units and special programs/projects. A review of human and financial resources dedicated to these various units shows that over the years more and more money has been spent on fewer and fewer athletes.

Significant Events in the Escalation from
Mass Participation to Elite Athletics

The table listed below indicates some of the dates and events involved in the buildup of Ben Johnson's positive testing at Seoul and the Dubin Report which followed.

In 1967, for the first time in history, Russia beat Canada in hockey. Since so much of the Canadian sports psyche depends upon performance in hockey, Pierre Elliot Trudeau, who was the Prime Minister at the time, established a National Task Force on Sport, which ultimately led to the establishment of the Fitness and Amateur Sport branch of the Ministry of Health and Welfare. In Sport and Politics in Canada: Federal Government Involvement Since 1961, Macintosh, Bedecki and Franks (1987) point out that Pierre Elliot Trudeau strongly favoured a centralized and socialized Canada which shifted from 'unit through diversity' to 'unity through sport.'

Once sport became a tool of government, a shift began from mass participation and recreation to elite international athletics. First the Criminal Code was changed so that bingo proceeds went not only to charity but also sport, and subsequently the lotteries were developed,

SIGNIFICANT EVENTS

1967	RUSSIANS BEAT CANADA IN HOCKEY
1969	NATIONAL TASK FORCE ON SPORT - F & A S BRANCH
1971	CRIMINAL CODE - BINGOS
1973	IONA CAMPAGNOLO - FIRST MINISTER
1976	MONTREAL OLYMPICS - GERARD MACH EAST BLOC SYSTEM AND STANDARDS
1978	HIGH PERFORMANCE SPORT CENTRES
1981	FIRST CANADIAN AND DRUG TEST - ALEXIS PAUL-MACDONALD
1981-84	IAAF & ARF
1980	MOSCOW BOYCOTT
1983	PAN AM GAMES, CARACAS - CANADA & USA USOC 15 ATHLETES TESTED POSITIVE
1984	L.A. TRIALS - 5 & DIANE WILLIAMS (TAC)
1986	COMMONWEALTH GAMES - OTTAWA AND GLASGOW THREE THROWERS POSITIVE TEST
1986	GOODWILL GAMES - MOSCOW - BEN BEAT CARL
1987	ROME RECORD
1988	SEOUL OLYMPICS - 80 MEN
1989	DUBIN COMMISSION - 48 CONFESSED (TRACK & FIELD, FOOTBALL, WRESTLING WEIGHTLIFTING AND BOBSLEDDING)

initially to fund the Montreal Olympics, and subsequently for other Olympic efforts or programs. Iona Campagnolo was the first to have the title of Minister of State for Fitness and Amateur Sport, and she was quick to realize the political gain at home and the international recognition abroad to be gained from hosting the Montreal Olympics and developing athletes who could win medals. Gerald Mach was brought to Canada by the Canadian Track and Field Association from Poland. He highly endorsed the high performance sport centre concept, wherein the universities, their facilities and athletes would be utilized in developing elite athletes. He was also a strong supporter of the Athletes Reserve Fund program whereby semi-professional athletes involved in international competition could secure their own dollars or development through performance fees or corporate sponsorship.

Sport Canada, for the most part, was oblivious to the growing problem of performance enhancing drugs. Alex Paul-Macdonald was the first Canadian to test positive, and it was not until 1983 when members of the Canadian weightlifting team were detected in Montreal at customs attempting to import 22,000 steroids that Sport Canada spoke out strongly against the use of drugs. As will be seen later, the emphasis was on winning prizes, rather than policing athletes, and it took the scandal of the Seoul Olympics to bring about the Dubin Commission, where forty-eight athletes from a variety of sports admitted illegal use of drugs.

A number of scholars and a very limited number of coaches and sport administrators had predicted that the policies of Sport Canada established a structure which would inevitably lead to cheating, not only by use of drugs, but also violation of amateur status rules. However, the euphoria of sports success blinded the vast majority of Canadians to the sports scandal which would result.

Role and Involvement of Government

The seventy recommendations of the Dubin Report have been abstracted to point form and are appended (See Appendix A). Perusal will show that some of the first eight recommendations deal with the role of government in sport and government involvement in sport. In terms of the role of government in sport, the suggestion is that there be a shift back to mass participation and that dollars for national sport organizations should be allotted on the basis of mass participation, ethical behaviour and doping control, and involvement of women and minority groups. In terms of the government involvement in sport, it is suggested that Sport Canada should function at an arms-length and that they should evaluate programs on social, educational and national goals, rather than medal counts. It is recommended that eligibility be the responsibility of the sports governing bodies, while it is conceded that the responsibility and right for dollars for carded athletes is the prerogative of Sport Canada. Further, it is suggested that domestic standards be used for carding athletes as opposed to the past practice of exceptionally high standards which exceed the standards set by the International Olympic Committee.

Dubin argues that these international and world standards are based on steroid-enhanced performances and that such standards provide an incentive for the use of prohibited drugs.

Conflict Behaviour

> The urine sample of Ben Johnson, Canada, athletics 100 metres, collected on Saturday, 24th September, 1988, was found to contain the metabolites of a banned substance, namely stanozolol, an anabolic steroid.
> (Burfoot, 1988)

This statement was read by Michele Verdier following the Canadian sprinter's positive urine test following his gold medal and world record performance in the 1988 Olympic Games in Seoul, Korea. Canada's Minister of Sport, lawyer Jean Charest, proclaimed, "Ben Johnson will never represent Canada again," and that "there will be a full inquiry into the entire affair." (Charest, 1988).

These are the precipitating events which led directly to the Dubin Inquiry; however, responsibility for the positive test of Ben Johnson went far beyond the athlete, and included individuals and groups in the sport establishment, all the way up to the Minister himself.

The conflict behaviour chart which follows lists the principal groups and individuals who must assume some of the responsibility for Ben Johnson's use of anabolic steroids.

Mazda Track Club

The first group listed is the Mazda Track Club, which was located at the High Performance Sport Centre at York University in Toronto. Ben Johnson was the athlete who violated the drug regulations and also amateur status rules regarding performance fees and the Athletes

		CONFLICT BEHAVIOUR
MAZDA TRACK CLUB	B. JOHNSON	"FALLEN SUPERSTAR" VIOLATION DRUG & AMATEUR STATUS $
	C. FRANCIS	"THE COWBOY CHEMIST" CONTROLLED SUBSTANCES
	M. J. ASTAPHAN	"STEROID DOCTOR" & HUSH $ & DEBARMENT
	W. MATUSZEWSKI	"STEROID MASSEUR" BLACKMAIL
	R. EARL	"BANKER AND BINGO KING" CORPORATE AFFAIRS AND CHARITABLE ACT
CTFA	W. WEDMAN	CTFA COMPLICITY - WINNING > POLICING
	J.G. OUELLETTE	CTFA AVOIDANCE OF DRUG TESTING
	P. DUPRE	ANYTHING GOES IN ARF - BOOKS SEIZED
	G. MACH	EAST BLOC SYSTEM AND MIXED ECONOMY
	ARF	INCOME TAX EVASION
AGENTS	IMG HERITAGE GROUP	LARRY HEIDEBRECT "HIDE-A-BUCK" AGENT
F&AS	A. HOFFMAN	DIRECTOR OF HPS MANDATE 38 STAFF FOR 60 INDIVIDUAL SPORTS AND 20 MULTI - PURPOSE TO BE IN TOP 10
COA		STANDARDS > OLYMPIC STANDARDS
UNIVERSITIES		H.P.C. COMPLICITY AND GREED
MEDIA & PUBLIC		UNREALISTIC FOCUS ON MEDALS

Reserve Fund. Charlie Francis procured and distributed the anabolic steroids to Ben Johnson and his teammates. Dr. Jamie Astaphan and Walter Matuszewski were the doctor and masseur, respectively, who administered the drugs, supervised the program of steroid use, and subsequently demanded and received hush money for a coverup. Ross Earle was Ben Johnson's confidant and banker who raised money through charitable bingos to help pay for the drug program and the coverup.

Canadian Track and Field Association

The Canadian Track and Field Association certainly is guilty of complicity. Despite the fact that Rolf Lund, track coach and official with the Ontario Track and Field Association, blew the whistle on the anabolic steroid use by the Mazda Club, and Glen Boque, a staff member of the Canadian Track and Field Association, reported the misuse of funds from the Athletes Reserve Fund, Wilf Wedman and his successor as Executive Director, Paul Dupré, demanded proof and signed affidavits regarding the drug use and expressed a cavalier attitude regarding the Athletes Reserve Fund. In general, their position was that the Canadian Track and Field Association existed to "win medals, not police athletes," and "The CTFA should not prevent the athlete's access to money which resulted from his or her performance." (Dewar, 1990: 62). Perusal of IAAF Rulebook proves these gentlemen wrong on both counts and the Canadian Internal Revenue Department maintains that the Athletes Reserve Fund should not be used to avoid income tax payments.

Jean-Guy Ouellette, who is President of the Canadian Track and Field Association, was reputed to have called Europe in 1987 to ascertain at which meets drug testing would occur, supposedly to view the system preliminary to establishing a more thorough drug testing program in Canada. The information he gleaned from colleagues was then passed on to Charlie Francis who used it to avoid detection of his drug-developed athletes. Techniques used to avoid "testing hat" or positive results were agreements with meet managers to leave the athlete's name out of the hat so it could not be drawn randomly or to substitute urine samples of non-users for the users (Molly Killingbeck, 1991).

Canadian Olympic Committee and Sport Canada

The behaviour of the CTFA was really a mirror image of events at the Canadian Olympic Association and Fitness and Amateur Sport level. The Inquiry witnessed the testimony of our highest ranking international Olympic official, Richard Pound, the International Olympic Committee Vice-President. When questioned why he did not ask Ben Johnson if he took steroids, following numerous rumours and allegations, he stated, "As a lawyer, I felt I was better off not knowing." (Robertson, 1988: B3). Similarly, Abbie Hoffman, Director General of Sport Canada, has focused much more of her resources on high performance to win medals than she spent on running a drug-clean fair play program. Although she protested erroneously to the Dubin Commission that Canada was at the forefront of running anti-doping programs, the truth is that Sport Canada had virtually no anti-doping program prior to October of 1983.

The program really started in earnest that year when Côté Demers, a member of Canada's weightlifting team, along with three of his teammates was discovered at Customs in Montreal attempting to smuggle 22,000 anabolic steroid pills into Canada (Dubin, 1990: 145).

The committee of ministers of the Council of Europe, in response to public concern over the abuse of drugs in sport, adopted a resolution in 1967 on the subject of doping in sports, and a number of European countries developed extensive policies and anti-doping programs over the next two decades. Some of these programs were aimed at reducing or eliminating the use of drug-enhanced sport performances, e.g., the Nordic Confederation anti-doping program; while others directed their programs at finding ways to circumvent the rules, e.g., the Eastern Bloc. Many of the values and much of the procedure of this latter group were imported into Canada when Gerald Mach was brought in to head up the Canadian Track and Field Association in preparation for the 1976 Montreal Olympics. He did not check his values at Customs and his philosophy fit in very nicely with the pursuit of excellence sought by Sport Canada. One difficulty that he encountered was that the mixed economy of Canada made it more difficult for the government to marshal resources to develop state athletes. One way of addressing this problem was to co-opt the universities through the High Performance Sport Centres. A number of universities across Canada bought into this program and made their facilities, resources and prestige available in return for provision of coaches like Charlie Francis and enhanced competition and prestige that comes from identification with national

and international athletes and programs. Unfortunately, many of the universities and those representing them did not have the foresight to realize that when a scandal occurred, universities would be accused of complicity and greed for things that went on in their facilities but over which, in reality, they had little jurisdiction.

Sport Community, Media and Public

The sports community, the media and the public regrettably bought into the unwise focus on medals and unrealistic expectations for world sport dominance by Canada. Chris Lang, President of Chris Lang and Associates, one of Canada's leading sports marketing agencies, summed it up best,

> Sure I felt sad when Johnson tested positive. But I felt dirty, too. Maybe sports marketers like myself have been pushing too hard, building the events and athletes to attract corporations. If we're going to share in the upside, we <u>all</u> have to share in the downside as well: the International Olympic Committee, the Canadian Olympic Association, the Canadian Track and Field Association, the media, the public, everybody. We're all to blame.
> (Wayne, 1988: 1)

Molly Killingbeck, a member of the 1989 Canadian Olympic track and field team and an admitted steroid user, asserts in her published press release:

> In the realm of sports, the Canadian people, politicians, sports officials and corporate sponsors desire, above all else, Olympic Medals and recognition on the world stage.
>
> Canadian athletes have done everything possible to deliver those medals for our country, at great personal risk and sacrifice. The athletes are a reflection of society, a society that has placed "winning" on the highest plane. The politicians, sponsors and officials will hide behind memos and claim no knowledge of what they subtly endorsed.
> (Killingbeck, 1989)

The Dubin Inquiry

> After 122 witnesses, including 48 admitted steroid users, 295 pieces of evidence, $3.7 million of expense, 91 days of public sessions and 14,617 transcript pages, the Inquiry officially ended September 19, 1989.
> (Smith, 1989)

The Dubin Inquiry, estimated at a cost of $3.7 million, has cost our country more than the $3.2 million that it took to send the entire Canadian Olympic team, staff and equipment to the Games of the 24th Olympiad.

On November 16, 1988 at 10:02 a.m. at 1235 Bay Street in Toronto, Ontario, the Dubin Inquiry into drug use in Canadian amateur sport officially opened. Ninety-one public session days later, the Dubin Inquiry officially ended on September 19, 1989.

The inquiry involved testimonies from forty-eight steroid users, coaches, sport administrators, medical doctors, sport scientists and International Olympic Committee representatives. The testimonies involved 122 witnesses in total from around the world who were examined and cross-examined by a core of Canadian attorneys. A total of 103 legal representations were made by approximately seventy lawyers.

Bob Armstrong, commission counsel, managed the inquiry without fiery oratory, provocative questioning or dazzling argument (Sonmor, 1989: 70). Both he and Dubin knew the scope was international and the task dauntingly difficult. "My job is to bring out the evidence, both favourable and unfavourable, without any particular concern that it is helping or hurting anyone," Armstrong explained (Sonmor, 1989: 70).

" THE DUBIN INQUIRY"

122 witnesses

48 admitted steroid users

295 pieces of evidence

91 days of public sessions

14. 617 transcript pages

$ 3.7 million dollars of expense

Lawyers representing Charlie Francis, Ben Johnson, Dr. Jamie Astaphan and various administrators were less reserved in their style. Elaine Dewar (1990) in an article on "Unsportsmanlike Conduct" in Toronto Life magazine, tells us:

> Lawyers for the various parties sat down at tables and prepared to defend their clients' interests. Ben Johnson was represented by Ed Futerman (known in the community for his racehorses), Dr. George Mario (Jamie) Astaphan's spokesperson was the tiny, brilliant David Sookram, who keeps chambers in three jurisdictions - Toronto, London, England and Georgetown, Guyana. Charles Francis, who coaches Johnson and the athletes involved in the Mazda Optimist Track and Field Club, and was head coach at the Canadian Track and Field Association's high-performance centre at York University, had hired the top gun in town. There was a little flurry of scurrying cameramen as Francis's counsel, Roy McMurtry, QC (the chairman and CEO of the Canadian Football League), walked up the centre aisle. For almost ten years McMurtry had been the distinguished attorney general of Ontario. When he retired from politics, Prime Minister Brian Mulroney appointed him Canada's high commissioner to London. He had lately returned and taken up law practice, but he still carried with him the essence of the politician - vapors from the higher realms of public policy.
> (Dewar, 1990: 33)

By the end of the proceedings in Toronto, forty-eight Canadian athletes, including Johnson and other athletes in track and field, football, weightlifting, bobsledding and wrestling had admitted to use of anabolic steroids (MacLeod, 1989: A14).

It is ironic that Mr. Justice Charles Dubin, prior to any of the testimonies regarding steroid use in Canadian amateur sport, had some grave concerns about athletic competition. Dubin's opening remarks,

"Have we, as Canadians, lost track of what athletic competition is all about?" (Smith, 1989: 26), were made months before the testimonies of injected urine, steroid diets, drug cover-ups and documented allegations of 'rampant' steroid use in athletics. The world eagerly awaited his report.

Within the 600-plus pages of the Dubin Commission report are seventy recommendations which have been summarized in point form below (See Appendix A). Recommendations 1 through 8 which deal with the role of government in sport and government involvement in sport have been outlined in the section on ultimate goal.

Doping Control Dollars, AS and Health Education

Recommendations 11 through 25 deal with doping controls in Canada, the funding of the anti-doping program and federal regulations aimed at reducing the availability and use of anabolic steroids. Fundamentally, the Sports Medicine Council of Canada was recommended as the independent body responsible for investigation, education, monitoring, and out-of-competition testing, research and development and collaboration with sports governing bodies to produce drug-free sport and take care of the athletes' wellbeing. Funding for this program would come from the sports governing bodies and the Coaching Association of Canada. Federal regulations would be put in place to increase the penalties for possession, trafficking and importing banned substances by moving them from Schedule F to Schedule G of the Food and Drug Act. An interesting recommendation is No. 23 which suggests that Health and Welfare Canada investigate the misuse of anabolic steroids, not only for enhancement of athletic abilities, but also "enhanced body image."

The Sports Medicine Council would also be responsible for educating the public, athletes, coaches and officials of the physical, ethical and legal reasons why drugs should be prohibited in sports. Reference is made in Recommendation 14 to the Nordic Anti-Doping Program which is based on these principles. The general thrust of this program is outlined in the two tables below (Nordic Doping Campaign and Why Prohibit Doping?) which were presented by Sven Oseid, a representative of the Commission, who presented at the University of Windsor in the Fall of 1990.

Leveling the Playing Field

Recommendations 26 through 33 basically are aimed at "leveling the playing field" by having the International Amateur Athletic Federation investigate incidents, ban countries not using out-of-competition testing and increasing the length of bans for violations. Further, it is recommended that the International Olympic Committee ban countries without doping control programs, establish a world doping control program and provide dollars to Third World countries to initiate such a program. Closer to home, the Canadian Olympic Association should refuse eligibility to sport organizations with ineffective doping control administration.

Recommendation 34 encourages the Sports Medicine Council of Canada to finger for the College of Physicians and Surgeons medical doctors distributing, supplying and administering banned substances.

Norwegian "Doping Control Campaign"

Why prohibit doping?

Doping is prohibited for the following important reasons:

1. Health and Physical Reasons: "You are destroying your body!"
   - 1.1 Acute health hazard, potentially fatal
   - 1.2 Potential chronic disability, possible fatal
2. Moral and Ethical Reasons: "Do you like cheating?"
   - 2.1 The use of doping agents is unethical to the concept of athletics
   - 2.2 Use can lead to addiction which can result in ethical and social degeneration
3. Legal and Liability Reasons: "There are harsh penalties!"
   - 3.1 It is against sports statutes
   - 3.2 Certain doping agents are also illegal according to the narcotics laws in many countries, and use therefore may be punishable by law.

How to prevent doping?

Preventive measures must be based on the following two assumptions:

1. Acknowledgement that doping exists, even in our own environment.
2. Realization that prevention is better than therapy.

Norwegian Focus - Body and Sex

"Doping Destroys Your Body: It affects your Masculinity and Femininity."

Coaches, Athletes and Sport Organizations

Recommendations 35 through 56 deal with recommendations to improve the situation at the coach, athlete and sport organization level. Coaches are to secure certification through the National Coaching Certification Program and they are responsible for reporting violating athletes. National sport governing bodies are to establish mechanisms for investigating, adjudicating, penalizing and handling accusations in the field. In terms of athletes' rights, there is to be an appeal process with an independent arbitrator mutually acceptable and there is to be no penalty on self-incrimination and no retroactive penalties. Suspended athletes and coaches would lose their financial support from Sport Canada. Both groups have the right to appeal after suspension; however, the onus is on the athlete or coach to initiate such an appeal. Further, the right of reinstatement requires drug testing during the period of suspension.

Recommendations 47 through 50 suggest that the COA, IOC,and national sport governing agencies have stricter penalties for violation, including at least the next world championship.

Recommendations 51 through 56 deal with the Weightlifting Federation which was dealt with very harshly. There is to be strict monitoring of their program by the Sports Medicine Council of Canada and no dollars are to be made available for foreign training camps.

Canadian Track and Field Association

The Canadian Track and Field Association, and those involved directly in the Ben Johnson positive test, are dealt with in Recommendations 57 to 61 which require a portion of the CTFA budget go to the Sports Medicine Council of Canada for drug testing, direct that Sport Canada withdraw support if there is no active doping program, require investigation of reports of infractions and require stricter adherence to the regulations regarding the Athletes Reserve Fund.

Recommendation 62 suspended Charlie Francis from coaching privileges, since he contributed to the spread and acceptance of doping and participated in the conspiracy of silence.

Angella Issajenko, who kept a diary of her anabolic steroid use, is required to take the National Coaching Certification Program prior to doing any coaching, and her financial support is dependent upon balancing a lifetime of use of anabolic steroids against her openness in uncovering horrible international practices. Dr. Jamie Astaphan is condemned, and the College of Physicians and Surgeons encouraged to take appropriate disciplinary actions. Ben Johnson, and a number of other athletes who tested positive or admitted drug use, were suspended from receiving any financial support from Sport Canada; however, Dubin insists that the decision regarding their eligibility must be left to the national sport governing bodies and to the International Olympic Committee and the IAAF.

Please note that the items with an asterisk in Appendix A have been recommended by the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women (December, 1990).

In summary, the Dubin Report recommends:

Summary of Dubin Recommendations

1. Increased and improved drug testing at the national and international levels,
2. Third-party testing by the Sports Medicine Council of Canada,
3. Stricter sanctions, including suspension for at least the next world championship, after a violation,
4. Legal sanctions for steroid distribution and use,
5. Clearer demarcation on rights and responsibilities of Sport Canada and the sports governing bodies, with the former responsible for financing carded athletes and national teams, and the latter responsible for the selection and eligibility of such teams,
6. Change in emphasis by the sporting community, the media and the public at large from winning medals to personal excellence,
7. Establishment of an independent arbitrator to deal with appeals,
8. Ethics and morality modules in the National Coaching Certification Program.

Athletes' Rights

Dubin makes a strong case for the right and responsibility of sport organizations to conduct drug tests. This position is based on his arguments that:

1. Athletics is a privilege and not a right,
2. Drug testing does not violate Section 8 of the Constitutional Act of 1982 which assures against unreasonable search and seizure,
3. Since sport organizations are private vs public, they are not subject to Charter Section 32 which describes broadly governmental actions,
4. Universal drug testing does not violate the human rights legislation, Section 15 (1), of the Charter, since it is not discriminatory.

Dubin maintains that the overwhelming majority of athletes, both users and non-users, not only agree to be tested, but consider testing to be a protection against unfair competition. Ken Reid, a member of the IOC Athletic Commission, states the athletes' view in this way:

> Athletes should be given the rights of due process and natural justice in any proposal and so on, but I think that at the most basic level, an individual's participation in sport is not a right but a privilege, and as such, as a privilege you are subject to the rules. And one of the rules is that you, and that's not just the athlete, that's the coach, that's everyone participating in that, you are subjected to the rules. And one of the rules is that you don't use performance enhancing drugs.
>
> (Dubin, 1990: 491)

Athletes must abide by the rules of sport, and those who are refused eligibility because they do not agree to abide by the rules are not being deprived of any right.

Dubin maintains that concerns raised by witnesses at the Inquiry and in published reports about whether random testing is an infringement of the rights of the athletes as citizens of Canada are unfounded. Dubin maintains that they are based on several recent legal challenges by collegiate athletes in the United States, related to issues such as invasion of privacy, due process and unlawful search and seizure. Dubin contends the U.S. challenges are under constitutional laws significantly different from those in Canada.

Invasion of Privacy and Presumption of Innocence

The strongest position for those opposing random drug testing were expressed by Canada's Privacy Commissioner, John Grace, in his 1988-89 annual report to Parliament. With reference to the Charter of Rights and Freedoms, he wrote:

> If privacy is to have any meaning in the 90s and beyond, great care must be taken to ensure that effective limits are placed on new, more intrusive means of information collection. Yet as we end the 80s there are indicators that the policy-makers may not be so inclined.
>
> Some officials testifying at the Dubin Inquiry strongly advocated mandatory, random and unannounced urine testing of federally-funded athletes. While a strong case can be made for such testing, it is troubling that a government policy, even in a well-defined area and with tacit consent of the athletes, appears to ignore a concept which is fundamental to individual privacy - the presumption of innocence. The need to prevent intrusions into private lives, unless there is a specific and reasonable suspicion of wrongdoing, has been clearly articulated by the Supreme Court as part of Canada's Charter of Rights and Freedoms. It has only been compromised in rare instances to protect life - instances such as random, roadside alcohol tests.

> Yet, in the case of athletes, the country's offended national pride seems to be widely accepted as sufficient reason to ignore a fundamental principle of freedom. If we can justify the intrusions necessary to test athletes, and perhaps Mr. Justice Dubin will conclude that we can, will it not become easier for employers to justify intrusions into the bodies of their employees or potential employees? Canada's inquiry into drug use by athletes may have an impact on our philosophy of individual privacy which will not end in the sports arena or at the locker room door.
>
> (Dubin, 1990: 492)

In Dubin's opinion, the issue of random drug testing does not engage the provision of the Charter of Rights and Freedoms concerning the presumption of innocence. Section 11 of the Charter reads:

> 11. Any person charged with an offense has the right . . . (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal.
>
> The right to presumption of innocence has no application to issues of drug testing in sport.
>
> (Dubin, 1990: 493)

Discrimination in Private and Public Organizations

Dubin maintains that the rules enacted by various national sport organizations related to drug testing are universal and apply to all athletes, funded or unfunded.

Section 32 of the Charter of Rights and Freedoms reads:

> 32. (1) This Charter applies
> (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
> (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.
>
> (Dubin, 1990: 493)

Since Section 32 of the Charter has been interpreted by the courts as limiting the application of the Charter to what can be described broadly as government action, Dubin maintains that the Charter does not apply to the private activity of independent sport federations.

In terms of human rights legislation, provisions have been applied to private sport organizations; however, Dubin maintains that to require all athletes within a sports federation to agree to random testing as a condition for eligibility could be viewed as discriminatory.

The relevant section here is Section 15 (1) of the Charter which reads, in part:

> Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
> (Dubin, 1990: 495)

Since the rules relating to drug testing are universal in application and are not based on any of the grounds enumerated in Section 15 (1) or grounds analogous thereto, these rules are not discriminatory in their effect.

In contrast to these rules of private organizations, the requirement of Sport Canada that all athletes, as a condition of their funding, agree not to use prohibited drugs and make themselves available for both regularly scheduled and ad hoc tests could be viewed as a government action. He agrees that a general government requirement for mandatory drug testing without consent could in some circumstances be subject to a Charter challenge on the basis that it may be an unreasonable search contrary to Section 8 which states: "Everyone has the right to be secure against unreasonable search or seizure."

Dubin agrees that there could be a challenge on this basis, but maintains that

> Sport Canada has the right to impose conditions for funding. When an athlete agrees to the conditions, random testing is not mandatory in a true sense. It is consentual. In my opinion, drug testing under such circumstances and having regard to its valid purpose cannot be viewed as an unreasonable search contrary to provisions of Section 8 of the Charter.
>
> (Dubin, 1990: 495)

Dubin further states in closing, "In my opinion, the requirement by Sport Canada that athletes make themselves available for random testing as a condition of funding does not violate any provision of the Charter of Rights and Freedoms."(Ibid).

Predicted and Actual Dubin Commission Regulations

Listed in the table below are the seventeen predicted recommendations put forward by Fairall, Calasso and Moriarty at last year's conference. In general, they were supported, with the exception of Recommendations 6, 9, 12 and 14. Recommendation 6 suggested that Fitness and Amateur Sport become a more integral part of Health and Welfare. Although this was not recommended by the Dubin Commission, the second report of the Standing Committee on Health and Welfare did recommend in "Amateur Sport: Future Challenges" that Recommendation 39, a standing committee of Fitness and Amateur Sport be created and Recommendation 40 that the Fitness and Amateur Sport Act be amended. As was pointed out, the "growth of federal intervention and the need for accountability call for careful scrutiny at the executive and legislative levels." (Amateur Sport: Future Challenges, December, 1990: 36). These recommendations

RECOMMENDED CHANGES

1. EDUCATION AND TESTING (CTFA vs RCMP)
2. STRICTER SANCTIONS
3. COA = OLYMPIC STANDARDS
4. NCCP MODULE ON ETHICS AND MORALITY
5. SCALE DOWN MEDIA AND PUBLIC EXPECTATION
6. F & A S C H & W
7. FITNESS/MASS PARTICIPATION > ELITE SPORT
8. SPORT CANADA SCALED DOWN (CONSULTANTS)
   FITNESS CANADA ENLARGED
9. N C S & R DECENTRALIZED
10. SGB > NSO
11. F & A S "CONSULTANTS vs CONTROLLERS"
12. CATEGORY AND CARDING SYSTEM DISCONTINUED
13. UNIVERSITY EXCELLENCE CENTRES ELIMINATED
14. H.P.S. AND 2ND AND 3RD PARTY SCHOLARSHIPS REMOVED
15. OMBUDSMAN FOR INDEPENDENT vs DEPENDENT ATHLETES
16. SUPPORT "WHISTLEBLOWERS" AS IN CRIME STOPPERS
17. ENFORCE CONTRACTS, LAWS AND/OR LEGISLATION RE
    - 17.1 CONTROLLED SUBSTANCES
    - 17.2 INCOME TAX EVASION
    - 17.3 BINGO AND CHARITABLE ACT
    - 17.4 AUDIT ARF AND SGB BUDGETS
    - 17.5 AGENTS

in turn might lead to decentralization of the National Centre for Sport and Recreation (Recommendation 9), reevaluation of the carding system (Recommendation 12), and removal of the high performance centres and the second or third party scholarships which accompany them (Recommendation 14). To a certain extent the size of the deficit and the reduction in the civil service dictated by the February budget of Federal Finance Minister Michael Wilson may make these changes necessary regardless of their perceived desirability.

Overall, considering the subsections of Recommendation 17, twenty-two points were put forward and eighteen of the predictions were included in Dubin's recommendations. This is encouraging; however, it must be acknowledged that recommendations are not reality. Will Canadian sport be depoliticized, decommercialized, decentralized and deemphasized? Only time will tell if our predictions and Dubin's recommendations come to fruition.

BIBLIOGRAPHY

Associated Press. (1989, May 25). Tougher anti-drug laws urged for athletes. The London Free Press, p. A4.

Buckstein, A. (1990, January). Dubin Deposition. Athletics, pp. 10-13.

Buffery, S. (1989, May 9). Officials ignored drug use. The Toronto Sun, p. 60.

Buffery, S. (1989, June 15). Tests showed mass steroid use. The Toronto Sun, p. 104

Burfoot, A. (1988, December). Has-Ben. Runner's World, p. 46.

Campagnolo, I. (1977a). Sportfuture. Journal of the Canadian Association for Health, Physical Education and Recreation, 44, No. 1: 3-5, 37-40.
- (1977b). Toward a National Policy on Amateur Sport: A Working Paper. Ottawa: Ministry of State, Fitness and Amateur Sport.
- (1979a). Toward a National Policy on Fitness and Recreation, Ottawa: Ministry of State, Fitness and Amateur Sport.
- (1979b). Partners in Pursuit of Excellence: A National Policy on Amateur Sport. Ottawa: Ministry of State, Fitness and Amateur Sport

Campbell, C. (1982). The Canadian Olympic Association. Student paper, University of Western Ontario.

Canada. (1961). An Act to Encourage Fitness and Amateur Sport. Ottawa.
- (1986). Improved Program Delivery: Health and Sports. A study team report to the Task Force on Program Review. Ottawa.

Canada Games Council. (1979). Canada Games Handbook: An Outline of Policies and Organizational Procedures. Ottawa.

Canadian Press. (1989, January 12). Drug use by athlete a danger to moral values. The Windsor Star, p. A3.

Charest, J. (1988, October). C.B.C. - T.V. Interview.

Christie, J. (1989, September 19). Probes produce bleak outlook for Olympic control over drugs. The Globe and Mail, pp. A1, A17.

Dewar, Elaine. (1990). Unsportsmanlike Conduct. Toronto Life, pp. 33-41, 59-72.

Dolan, E.F. (1986). Drugs in Sport. New York: Franklin-Watts.

Donovan, K. & Brazao, D. (1988, October 10). Top athletes have used hard drugs, runner says. The Toronto Star, pp. A1-A2.

Dubin, Charles. (1990). Commission of Inquiry Into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance. Ottawa: Canadian Government Publishing, Canada.

Fitness and Amateur Sport (FAS). (1977). Green Paper Briefing Book. Ottawa: Ministry of State, Fitness and Amateur Sport.
- (1981). Fitness and Amateur Sport Policy Paper Issued. Communique. Ottawa, 23 June.
- (1982a). Women in Sport Leadership: Summary of National Survey. Ottawa: Fitness and Amateur Sport Women's Program.
- (1982b). We're Catching Up. Communique. Ottawa, 21 June.
- (1982c). Canada's Fitness. Preliminary Findings in the 1981 Survey. Ottawa.
- (1983). Sport Canada Hosting Policy. Ottawa.
- (1984). Drug Use and Doping Control in Sport - A Sport Canada Policy. Ottawa.
- (1985a). Moratorium on Federal Support to Major Sports Events. Communique. Ottawa, 5 June.
- (1985b). Jelinek Signs Lottery Agreement with Provinces. Communique. Ottawa, 11 June.
- (1985c). Women in Sport and Fitness Leadership: Summary of National Survey. Ottawa: Fitness and Amateur Sport Women's Program.

Fitness and Amateur Sport (Directorate). (1961-2 to 1982-3). Annual Reports of the Fitness and Amateur Sport Program. Ottawa: Department of National Health and Welfare. Cited as FAS Annual Report.

Fitness and Amateur Sport Directorate. (1950-68). Fitness and Amateur Sport Directorate Files. Ottawa: Department of National Health and Welfare. For fiels located in the Public Archives of Canada, the citation used is FASD Files, PAC.
- (1969). The Proceedings of the Montmorency Conference on Leisure. Ottawa: Department of National Health and Welfare.

Francis, C. (1989, December 3). (Personal interview)

Giller, N. (1984). The 1984 Olympics Handbook. New York: Holt, Rinehart and Winston.

Hall, J. & Ormsby, M. (1989, March 2). Johnson knowingly took drugs: Francis. The Toronto Star, p. A3.

Hall, J. & Ormsby, M. (1989, June 15). Steroids rampant in Europe, probe told. The Toronto Star, p. A3.

Jones, M. (1988, September). Hall of Shame. Runner's World, p. 82.

Kidd, B. (1965). A History of Government in Recreation. Manuscript. Toronto.

- (1978). The Political Economy of Sport. Ottawa: Cahper Sociology of Sport Monograph Series.
- (1981). The Canadian State and Sport: The Dilemma of Intervention. Annual Conference Proceedings of the National Association for Physical Education in Higher Education, 239-50. Brainerd: Human Kinetics Publishers.
- (1982). Sport Dependency and the Canadian State. In Sport, Culture and the Modern State, edited by H. Cantelon and R. Gruneau. Toronto: University of Toronto Press.

Kidd, B. and J. Macfarlane. (1972). The Death of Hockey. Toronto: New Press.

Kidd, B. and M. Eberts. (1982). Athletes' Rights in Canada. Toronto: Government of Ontario.

Killingbeck, M. (1988). (Unpublished Press Statement).

Macintosh, D. (1986). The Federal Government and Voluntary Sport Associations. In Sociology of Sport in Canada, edited by H. Cantelon and J. Harvey. Ottawa: University of Ottawa Press. (In press.)

Macintosh, D. and C.E.S. Franks. (August, 1982). Evolution of Federal Government Sport Policy in Canada, 1961-1968. Presented at the World Congress of Sociology. Mexico City.

Macintosh, D. and J.B. Albinson. (1985). An Evaluation of the Athlete Assistance Program. A report submitted to Sport Canada. Kingston: Queen's University.

Macintosh, D, T. Bedecki and C.E.S. Franks. (1987). Sport and Politics in Canada. Kingston & Montreal: McGill-Queen's University Press.

McMurtry, J.A. (1976). A Case for Killing the Olympics. In Sport Sociology: Contemporary Themes, edited by A. Yiannakis et al. Dubuque: Kendall Hall.

Metcalfe, A. (1976). Organized Sport and Social Stratification in Montreal: 1840-1901. In Canadian Sport: Sociological Perspective, edited by R. Gruneau and J. Albinson. Don Mills: Addison-Wesley.

MacLeod, R. (1989, September 19). IAAF official castigated at Dubin inquiry. The Globe and Mail, pp. A16, A17.

McLeod, R. (1989, September 20). Dubin inquiry wraps up hearings. The Globe and Mail, p. A14.

McKee, K. & Sokol, A. (1988, September 30). Storm warning ignored - ex-official. The Toronto Star, p. D2.

Ormsby, M. & Hall, J. (1989, April 26). Hurdler hid fact he wasn't on drug, Dubin probe told. The Toronto Star, p. A4.

Ormsby, M. & Hall, J. (1989, May 10). Drug-free athletes speak out: 'Giving it your best is winning'. The Toronto Star, p. A4.

Ormsby, M. & Hall, J. (1989, May 10). Pressure to win made drugs almost essential, coach says. The Toronto Star, p. A4.

Ormsby, J. & Hall, J. (1989, June 20). Millions guy illegal steroids to look muscular, Dubin told. The Toronto Star, p. A4.

Pastin, M. (1986). The Hard Problems of Management: Gaining the Ethics Edge. San Francisco: Jossey-Bass Publishers.

Porter, Bob & Cole, John. (December, 1990). Amateur Sport: Future Challenges. Ottawa: Second Report of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women.

Proudfoot, J. (1988, October 3). A sad, sorry experience for Canada. The Toronto Star, p. A13.

Proudfoot, J. (1989, February 23). Francis reveals sick, sad, sordid saga. The Toronto Star, pp. B1, B8.

Robertson, J. (1988, October 10). Track officials must act now on steroids. The Toronto Star, pp. A1-A2.

Robertson, J. (1988, October 14). Steroid tricksters are fooling themselves. The Toronto Star, p. D2.

Robertson, J. (1989, May 13). We're victims of drug scandal. The Toronto Star, p. B3.

Schaap, D. (1976). An Illustrated History of the Olympics. New York: Ballantine Books.

Smith, C. (1989, November-December). Inside Track. Athletics, pp. 26-30.

Smith, C. (1989, December 5). (Personal Interview).

Sonmor, J. (1989, June 12). Armstrong: Shunning the spotlight in his down-home style. The Toronto Sun, p. 70.

Sport Canada. (1983a). High Performance Sport Centres - A Sport Canada Policy. Ottawa: Fitness and Amateur Sport.
- (1983b). High Performance Sport Centres - General Criteria. Ottawa: Fitness and Amateur Sport.
- (1984). Scorecard. Ottawa: Fitness and Amateur Sport. July.
- (1986). Women in Sport: A Sport Canada Policy. (Draft copy). Ottawa.

Sports Federation of Canada (SFC). (1982). Sports Directory 1983. Ottawa.

Starkman, R. (1989, March 2). The Dubin inquiry: Charlie Francis tells all. The Toronto Star, p. A3.

Starkman, R. (1989, March 17). Sports officials unaware athletes cut drug clause. The Toronto Star, p. 12.

Starkman, R. (1989, June 17). Can we cure sports of drug? The Toronto Star, p. A1.

Steen, D. (1988, October 2). Decathlete strikes blow for drug-free sports. The Toronto Star, p. A13.

Steen, D. (1989, March 2). Francis exposes grimy underside of track sports. The Toronto Star, p. A4.

Thorne, S. (1989, May 10). Ethics of doping never questionned. The London Free Press, p. A4.

Thorne, S. (1989, May 25). Johnson knew it all, Astaphan tells probe. The London Free Press, pp. A1-A2.

van Oosten, M. (1989, September). Fair play in sport: Tipping the scales towards fairness. Champion, pp. 27-31.

Wayne, J. (1989, October 1-3). Johnson fiasco rocks sport funding. The Financial Post, pp. 1, 6.

APPENDIX A

Dubin Report Recommendations

Role of Government in Sport

Recomm. # 1 Mass Participation
3 Funds for Doping Controls and Ethics
4 Funds based on mass participation
Doping Control
Discipline
Women's participation

Government Involvement in Sport

5 Arms length with evaluation on social, educational and national goals, not medal count
6 Sport Canada (SC) pursue multinational bilateral anti doping program with Sport Medicine Council of Canada (SMCC)
7 Eligibility responsibility of Sport Governing Bodies (SGB) funds responsibility of SC for carded athletes
8 Domestic Standards for carding athletes

Doping Control in Canada

11 SMCC independent body responsible for investigation, education, monitoring, testing labs, selection and methodology, coordination, training and deployment, in and out of competition testing, research and development, international negotiations and agreements, collaboration with SGBs, annual report, research and development on drug free sport and athletes' wellbeing.

Funding

12 SGB percent of budget to SMCC

13 Coaching Association of Canada (COA) percent of budget to SMCC

14 out of competition testing with no notice or short notice with high risk sports targeted using Nordic anti doping program as a model

15 Sampling = take a lot of tests and analyze a few to decrease expense

Competition and Drug Control

18 Canada only compete with equally stringent testing countries

Amateur Sport, Anabolic Steroids and Health

20 Schedule F of Food and Drug Act move to Schedule G with increased penalties for possession, trafficking and importing

23 Health and Welfare Canada (H&W) investigate misuse of Amateur Sport for "enhanced body image"

Education

* 24 SMCC educate public, athletes, coaches and officials and sporting communities

25 "Commission for Fair Play" educate the public on ethics in sports

Level Playing Field

International Amateur Athletics Federation (IAAF)

26 Investigate incidents

27 Ban countries not using "out of competition testing"

28 Increase length of ban for violation to at least the next world championship

International Weight Lifting Federation (IWF)

29 SMCC monitor IWF and advise SC on funding of Canadian Weight Lifting Federation (CWF)

International Olympic Committee (IOC)

30 Ban countries without Doping Control Program (DCP)

31 COA refuse eligibility for ineffective DCPA

32 IOC funding for Third World countries

33 IOC establish World Doping Control program

Medical Profession

34 SMCC finger for College of Physicians and Surgeons doctors distributing, supplying or administering banned substances

Coaching Profession

* 35 Coaching certification for all coaches

36 Coaches responsible for reporting violating athletes

* 37 National SGBs establish a mechanism for investigating, adjudicating, penalizing and handling appeals for offending coaches

Athletes Rights

* 38 Appeal process with independent arbitrator mutually acceptable

Penalties

39 No penalty on self incrimination
40 No retroactive penalties
41 Additional investigation to supplement lab tests

Athletes Funds

* 42 Suspended athletes lose funds from carding
Right of appeal after suspension served but onus on athlete
*43-44 NSO suspended from funding if no anti-doping program

Coaches

*45-46 Penalties equal to athletes' penalties and similar right of appeal

Sport Organization Penalties

*47-50 COA, IOC, NSGA stricter penalties
* 50 Right of reinstatement requires drug testing during period of suspension

Weight Lifting

51 Coach suspended
52-53 Athletes suspended
55 SMCC monitor CWF re suspension
56 No funds for foreign training camps

Canadian Track and Field Association (CTFA) = Athletics Canada (AC)

* 57 Operating budget funds to SMCC
* 58 SC withdraw funds if no active doping program
* 59 AC report programs to SC
* 60 CTFA investigate reports of infractions
* 61 Athletes Reserve Fund = true trust fund for future and retirement of the athlete

Charlie Francis

* 62 Suspend from funding and coaching privilege for
- contributing to spread and acceptance of dope
- conspiracy of silence
- cooperation with Commission is a mitigating factor

Angella Issajenko

* 63 NCCP before any coaching
* 64 Funds depend on balance of longtime use vs openness in uncovering deplorable international practices

Dr. Jamie Astphan

* 65 College of Physicians and Surgeons take disciplinary action
* 67 Waldemar Matuszewski suspended

Ben Johnson

* 68 suspended from funding and IOC and IAAF decide eligibility
* 69 Molly Killingbeck et al suspended from funding but right of appeal
* 70 Peter Dajia, Rob Gray and Mike Spiritoso suspended with right of appeal but onus on athletes

to standardize, tougher sanctions for violation of anti-doping rules

* Included in recommendations of the Standing Committee on Health and Welfare Social Affairs, Seniors, and the Status of Women. (December, 1990)